<div align="center">

REMARKS

</div>

By virtue of this response, Claims 3, 11, 12, 21, 29, 30 and 38-40 are amended.

Therefore, Claims 1-74 are presently pending. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

No new matter is added.

Claim Rejection under 35 U.S.C § 112 of Claim 40

On page 2 of the Office Action, Claim 40 is rejected under 35 USC § 112, first paragraph based on being unduly broad and failing to comply with the enablement requirement discussed in MPEP 2164.08(a) and 2181. Applicants are traversing this rejection with the amendment made to Claim 40. In particular, Applicants have amended this independent claim to set for a computer program element having code stored therein, where the code effects certain specified actions. As these specified actions are essentially identical to what is already presented in the other two independent claims, we respectfully submit that entry of this amendment will not require a new search nor raise new issues. Accordingly, Applicant respectfully requests the rejection under 35 USC § 112 be withdrawn.

The other amendments to the claims relate to matters of form and in particular comprise removing instances of multiple dependency in certain of the dependent claims. Again, we respectfully submit that entry of these changes will not require a new search nor raise new issues.

Claim Rejections under 35 U.S.C § 103(a) of Claims 1-10, 13-16, 18-28, 31-34, 36-40 and 43-74

On page 3 of the Office Action, Claims 1-10, 13-16, 18-28, 31-34, 36-40 and 43-74 are rejected under 35 USC § 103(a) as being unpatentable over Suumaki et al (US 6,847,610 B1), hereafter 'Suumaki', in view of Jungck et al (US 2006/0029104 A1), hereafter 'Jungck'. Applicants are traversing this rejection.

The application presently contains three independent claims, namely Claims 1, 19 and 40. Each of independent Claims 1, 19 and 40 recites, inter alia, *"blocking application-specific packets in the packet stream that are not the requested application-specific packets*; and [means for] activating, in response to the means for detecting the requested application-specific packets, a plurality of packet sessions with application-specific QoS parameters, *without requiring explicit cooperation of application software"*. A basis for this feature is provided, for example, in paragraphs [0017]-[0020] and [0053] from the Specification as originally filed.

The Office Action suggests that Suumaki discloses each of the features of Claim 1, other than *"means for blocking application-specific packets in the packet stream that are not the requested application-specific packets"*.

The Office Action then further suggests that, in the same field of endeavor, Jungck discloses the aforementioned features lacking from Suumaki in paragraph [0175], lines 1-15 and paragraph [0176], lines 6-16. Based thereon, the Office Action states that it is 'obvious at the time the invention was made to modify the invention of Suumaki and have it include means for blocking application-specific packets in the packet stream that are not the requested application-specific packets, as taught by Jungck. The Office Action then further suggests that the motivation would have been in order to "enhance Internet infrastructure to more efficiently deliver content from providers to users and provide additional network throughput, reliability, security and fault tolerance (see par. 0006 lines 1-4)".

In response, Applicants respectfully disagree.

It is respectfully submitted that the Office Action fails to establish *prima facie* obviousness for the following reasons. Below, Applicants explain that Suumaki, in view of Jungck, does not teach all of the elements of Claims 1, 19 and 40.

The Office Action suggests that Suumaki the feature of Claim 1 of: "means for activating, ***in response to*** the means for ***detecting the requested application-specific packets***, a plurality of packet sessions with application-specific QoS parameters, ***without requiring explicit cooperation of application softwar***". The Office Action suggests that Suumaki discloses this feature of Claim 1 in col. 7, lines 38-41, col. 11, lines 65-67, col. 12, lines 1-2 and 46-49 – "the QMOC does the QoS parameters detection independently of any type of application".

In response, Applicants respectfully disagree.

It is clear to a skilled person that Suumaki uses the conventional 3GPP approach to operating with multiple PDP contexts to provide QoS by using a specific PDP context for a certain data flow. In Suumaki, it is clear that explicit cooperation of application software is required, as best illustrated in the examples in col. 11, line 26 to col. 12, line 55. Here, Suumaki describes with reference to his fig. 5 and fig. 3a exactly what happens when various applications are started.

At the start of this section, Suumaki states:

> When starting a web browser, for instance, (application F), the socket application programming interface (SAPI) transmits information about starting this application to the control block QMOC.

Clearly, this indicates that the SAPI has to know that a specific application is starting. This is only possible in a terminal, in contrast to the present application where there is a single link to a PC that contains multiple flows that need to be inspected, for

example, to see what QoS is required for each flow. Notably, Suumaki then goes on to state:

> When the E-mail application (application H) is started, the socket application programming interface does not transmit quality of service information, but for this application, quality of service information has been saved in the internal database. From this information, the control block QMOC detects that the fourth traffic class has been specified for this application. The PDP context corresponding to the fourth traffic class is the ninth PDP context PDP9, and thus the control block QMOC selects this PDP context for use by this application H. In addition, the control block QMOC specifies a data transfer filter for the application. This data transfer filter is, for instance, a database in which information such as the identifier used in the data flow packets, the PDP context, quality of service parameters or other information is saved. After this, the control block QMOC activates the selected PDP context PDP9 and sends the data from the data transfer filter to the packet classifier block PAC of the mobile terminal MT and the packet-switched network, preferably to the gateway GPRS support node 3G-GGSN, which is the second end of the data transfer connection.

Thus, a skilled artisan is taught that Suumaki provides no mechanism for detecting a request of application-specific packets in a packet stream without the help of the SAPI . Furthermore, a skilled artisan is taught that Suumaki requires that the *application software (SAPI)* indicate that *an application is started and the QMOC has predefined service information*, i.e. a second wireless packet transfer of application-specific data packets for that service/application (such as Voice over IP) is activated *only with explicit cooperation of application software.* The QMOC function determines whether a new

PDP context is to be started and how the mapping is performed (see col. 11, lines 55-57). Only then is a data transfer filter defined so that packets can be filtered and packets sent down a particular PDP context. Of note is that the IP headers are applied after the SAPI interface.

Thus, Applicants respectfully disagree that Suumaki discloses the feature of "means for activating, *in response to* the means for ***detecting the requested application-- specific packets***, a plurality of packet sessions with application-specific QoS parameters, ***without requiring explicit cooperation of application software***", as recited in claim 1.

Claim 19 is a method claim corresponding to the apparatus of Claim 1. Consequently, the arguments set forth above in support of Claim 1 apply equally to Claim 19. In accordance with the aforementioned explanations, it is therefore respectfully submitted that the teachings of Suumaki in combination with Jungck fail to teach: "activating, *in response to* the means for ***detecting the requested application-- specific packets***, a plurality of packet sessions with application-specific QoS parameters, ***without requiring explicit cooperation of application software***", as recited in claim 19.

Claim 40 is a computer program element claim corresponding to the apparatus of Claim 1 and method of Claim 19. Consequently, the arguments set forth above in support of Claim 1 apply equally to Claim 40. In accordance with the aforementioned explanations, it is therefore respectfully submitted that the teachings of Suumaki in combination with Jungck fail to teach: "activate, *in response to* the means for ***detecting the requested application-specific packets***, a plurality of packet sessions with application-specific QoS parameters, ***without requiring explicit cooperation of application software***", as recited in claim 40.

Additionally, Applicants note that under a rejection under 35 U.S.C.5 103, the prior art references must be considered in their entirety, including disclosures that teach away from the recited features (MPEP 5 2141.02).

Applicants submit that Suumaki in fact teaches away from the features of Claims 1, 19, and 40, as presently recited. Suumaki discloses a session-based communication protocol using multiple PDP-contexts where different characteristics are selected based on QoS characteristics, notably *supplied by the application*. This is the classic integrated mobile device approach. Thus, Suumaki clearly discloses that an *application software (SAPI)* is required to indicate that *an application is started and the QMOC has predefined service information*. Accordingly, a second wireless packet transfer of application-specific data packets for that service/application (such as Voice over IP) is activated *only with explicit cooperation of application software.* Only then may a data transfer filter be defined so that packets can be filtered and packets sent down a particular PDP context, as described in col. 11, line 26 to col. 12, line 55.

Therefore, Summaki discloses a direct opposite teaching to *"activating*, in response to the means for detecting the requested application-specific packets, a plurality of packet sessions with application-specific QoS parameters, *without requiring explicit cooperation of application softwar"* as recited in Claims 1, 19 and 40.

Accordingly, one of ordinary skill in the art would not make such a combination of the teachings of Suumaki and Jungck, in that such a combination would change the basic principle of the operation of Suumaki. See MPEP 2143.01 Subsection entitled 'THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE'.

Additionally, Applicants note that under a rejection under 35 U.S.C.5 103, the prior art references must not render the prior art unsatisfactory for the intended purpose of the claimed invention (MPEP § 2143.01).

Suumaki discloses a session-based communication protocol using multiple PDP-contexts where different characteristics are selected based on QoS characteristics, notably *supplied by the application*. Thus, Suumaki clearly discloses that an *application software (SAPI)* is required to indicate that *an application is started and the QMOC has predefined service information*. That is a second wireless packet transfer of application-specific data packets for that service/application (such as Voice over IP) is activated *only with explicit cooperation of application software.* Only then may a data transfer filter be defined so that packets can be filtered and packets sent down a particular PDP context, as described in col. 11, line 26 to col. 12, line 55.

Therefore, any suggestion in the Office Action to modify Summaki in accordance with the feature of *"activating,* in response to the means for detecting the requested application-specific packets, a plurality of packet sessions with application-specific QoS parameters, *without requiring explicit cooperation of application software"* as recited in Claims 1, 19 and 40, would render Summaki unsatisfactory for its intended purpose.

Accordingly, one of skill in the art would not make such a combination in that such a combination would render Suumaki respectively unsatisfactory for their intended purpose. See MPEP Section 2143.01, Subsection entitled THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE citing *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984).

Furthermore, it is respectively observed that Suumaki does not suggest modification thereof with the teachings of Jungck. Similarly, Jungck does not suggest modification thereof with the teachings of Suumaki. Indeed, it is submitted that the

skilled person, reading Suumaki or Jungck, is not provided with a reasonable expectation of success when making the combination suggested in the Office Action due to the lack of any such indication of suitability or desirability to make a modification. Suumaki (see at least the abstract, col. 1, lines 5-28; and col. 5, lines 34-61) clearly teaches a mechanism to optimize data transmission in a packet switched data network to change end-to-end properties of an application connection, such as a quality of service. Jungck clearly relates to the introduction of a network element that is able to intercept and process packets according to rules, such that the data packet can be modified, deleted, analysed or forwarded to an external device (see abstract and paragraphs [0002]-[0006]). There is no teaching in either Suumaki or Jungck suggesting how or why a system that proposes a change of end-to-end properties of an application connection (as disclosed in Suumaki) may or should be modified to include a packet analyzer concept, where the content of data packets are intercepted and interrogated (as disclosed in Jungck). Furthermore there is no teaching in either Suumaki or Jungck suggesting how or why a network that uses a packet analyzer concept, where the content of data packets are intercepted and interrogated (as disclosed in Jungck), may or should include a mechanism that proposes a change of end-to-end properties of an application connection (as disclosed in Suumaki).

Thus, any theoretical combination of the teachings of Suumaki with Jungck will therefore require considerable modification to the architecture of both Suumaki as well as Jungck. Indeed, the Office Action does not explain how such a combination can be achieved.

Hence, there is no teaching in the cited prior art suggesting the modification and the present application only teaches the modified apparatus. See THE TEACHING OR SUGGESTION TO MAKE THE CLAIMED COMBINATION AND THE

REASONABLE EXPECTATION OF SUCCESS MUST BOTH BE FOUND IN THE PRIOR ART, NOT IN APPLICANT'S DISCLOSURE. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 11 and 29 are rejected under 35 USC § 103(a) as being unpatentable over Suumaki et al (US 6,847,610 B1), hereafter 'Suumaki', in view of Jungck et al (US 2006/0029104 A1), hereafter 'Jungck', further in view of Dorenbosch et al (US 2003/0235184 A1), hereafter 'Dorenbosch.'

For at least the reason that Claims 11 and 29 each depend from an allowable independent Claim, Claims 11 and 29 are also allowable. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration. Applicants respectfully request reconsideration and allowance of Claims 11 and 29.

Claims 12, 17, 30 and 35 are rejected under 35 USC § 103(a) as being unpatentable over Suumaki et al (US 6,847,610 B1), hereafter 'Suumaki,' in view of Jungck et al (US 2006/0029104 A1), hereafter 'Jungck,' further in view of Fenton et al (US 2003/0193967 A1), herafter 'Fenton.'

For at least the reason that Claims 12, 17, 30 and 35 each depend from an allowable independent Claim, Claims 12, 17, 30 and 35 are also allowable. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake

of brevity and expedited consideration. Applicants respectfully request reconsideration and allowance of Claims 12, 17, 30 and 35.

Claims 2-10, 13-16, 18, 20-28, 31-34, 36-39 and 43-74 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Suumaki (at least in view of Jungck).

For at least the reason that Claims 2-10, 13-16, 18, 20-28, 31-34, 36-39 and 43-74 each depend from an allowable independent Claim, Claims 2-10, 13-16, 18, 20-28, 31-34, 36-39 and 43-74 are also allowable. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration. Applicants respectfully request reconsideration and allowance of Claims 2-10, 13-16, 18, 20-28, 31-34, 36-39 and 43-74.

In summary, none of the references discloses or suggests a solution to the scenario where an apparatus for session control in a wireless communication network where the apparatus detects requested application-specific packets in a packet stream and bases decisions to map packets to different PDP contexts without requiring explicit cooperation of application software, e.g. a use of, say, a SAPI interface, as required by the claims. For at least this reason, the alleged prior art references, alone or combined, do not teach or suggest all the claim limitations for Claims 1-74.

Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1-74.

The case is believed to be in condition for allowance and notice to such effect is respectfully requested. If the Examiner should have any other points of concern, the

Examiner is expressly invited to contact the undersigned by telephone to discuss those concerns and to seek an amicable resolution.

By virtue of this response, Claims 3, 11, 12, 21, 29, 30 and 38-40 are amended.

Therefore, Claims 1-74 are presently pending. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

No new matter is added.

Claim Rejection under 35 U.S.C § 112 of Claim 40

On page 2 of the Office Action, Claim 40 is rejected under 35 USC § 112, first paragraph based on being unduly broad and failing to comply with the enablement requirement discussed in MPEP 2164.08(a) and 2181. Applicants are traversing this rejection with the amendment made to Claim 40. In particular, Applicants have amended this independent claim to set for a computer program element having code stored therein, where the code effects certain specified actions. As these specified actions are essentially identical to what is already presented in the other two independent claims, we respectfully submit that entry of this amendment will not require a new search nor raise new issues. Accordingly, Applicant respectfully requests the rejection under 35 USC § 112 be withdrawn.

The other amendments to the claims relate to matters of form and in particular comprise removing instances of multiple dependency in certain of the dependent claims. Again, we respectfully submit that entry of these changes will not require a new search nor raise new issues.

Claim Rejections under 35 U.S.C § 103(a) of Claims 1-10, 13-16, 18-28, 31-34, 36-40 and 43-74

On page 3 of the Office Action, Claims 1-10, 13-16, 18-28, 31-34, 36-40 and 43-74 are rejected under 35 USC § 103(a) as being unpatentable over Suumaki et al (US 6,847,610 B1), hereafter 'Suumaki', in view of Jungck et al (US 2006/0029104 A1), hereafter 'Jungck'. Applicants are traversing this rejection.

The application presently contains three independent claims, namely Claims 1, 19 and 40. Each of independent Claims 1, 19 and 40 recites, inter alia, *"blocking application-specific packets in the packet stream that are not the requested application-specific packets*; and [means for] activating, in response to the means for detecting the requested application-specific packets, a plurality of packet sessions with application-specific QoS parameters, *without requiring explicit cooperation of application software"*. A basis for this feature is provided, for example, in paragraphs [0017]-[0020] and [0053] from the Specification as originally filed.

The Office Action suggests that Suumaki discloses each of the features of Claim 1, other than *"means for blocking application-specific packets in the packet stream that are not the requested application-specific packets"*.

The Office Action then further suggests that, in the same field of endeavor, Jungck discloses the aforementioned features lacking from Suumaki in paragraph [0175], lines 1-15 and paragraph [0176], lines 6-16. Based thereon, the Office Action states that it is 'obvious at the time the invention was made to modify the invention of Suumaki and have it include means for blocking application-specific packets in the packet stream that are not the requested application-specific packets, as taught by Jungck. The Office Action then further suggests that the motivation would have been in order to "enhance Internet infrastructure to more efficiently deliver content from providers to users and

provide additional network throughput, reliability, security and fault tolerance (see par. 0006 lines 1-4)".

In response, Applicants respectfully disagree.

It is respectfully submitted that the Office Action fails to establish *prima facie* obviousness for the following reasons. Below, Applicants explain that Suumaki, in view of Jungck, does not teach all of the elements of Claims 1, 19 and 40.

The Office Action suggests that Suumaki the feature of Claim 1 of: "means for activating, *in response to* the means for *detecting the requested application-specific packets*, a plurality of packet sessions with application-specific QoS parameters, *without requiring explicit cooperation of application softwar*". The Office Action suggests that Suumaki discloses this feature of Claim 1 in col. 7, lines 38-41, col. 11, lines 65-67, col. 12, lines 1-2 and 46-49 – "the QMOC does the QoS parameters detection independently of any type of application".

In response, Applicants respectfully disagree.

It is clear to a skilled person that Suumaki uses the conventional 3GPP approach to operating with multiple PDP contexts to provide QoS by using a specific PDP context for a certain data flow. In Suumaki, it is clear that explicit cooperation of application software is required, as best illustrated in the examples in col. 11, line 26 to col. 12, line 55. Here, Suumaki describes with reference to his fig. 5 and fig. 3a exactly what happens when various applications are started.

At the start of this section, Suumaki states:

> When starting a web browser, for instance, (application F), the socket application programming interface (SAPI) transmits information about starting this application to the control block QMOC.

Clearly, this indicates that the SAPI has to know that a specific application is starting. This is only possible in a terminal, in contrast to the present application where there is a single link to a PC that contains multiple flows that need to be inspected, for example, to see what QoS is required for each flow. Notably, Suumaki then goes on to state:

> When the E-mail application (application H) is started, the socket application programming interface does not transmit quality of service information, but for this application, quality of service information has been saved in the internal database. From this information, the control block QMOC detects that the fourth traffic class has been specified for this application. The PDP context corresponding to the fourth traffic class is the ninth PDP context PDP9, and thus the control block QMOC selects this PDP context for use by this application H. In addition, the control block QMOC specifies a data transfer filter for the application. This data transfer filter is, for instance, a database in which information such as the identifier used in the data flow packets, the PDP context, quality of service parameters or other information is saved. After this, the control block QMOC activates the selected PDP context PDP9 and sends the data from the data transfer filter to the packet classifier block PAC of the mobile terminal MT and the packet-switched network, preferably to the gateway GPRS support node 3G-GGSN, which is the second end of the data transfer connection.

Thus, a skilled artisan is taught that Suumaki provides no mechanism for detecting a request of application-specific packets in a packet stream without the help of the SAPI . Furthermore, a skilled artisan is taught that Suumaki requires that the *application software (SAPI)* indicate that *an application is started and the QMOC has predefined*

service information, i.e. a second wireless packet transfer of application-specific data packets for that service/application (such as Voice over IP) is activated *only with explicit cooperation of application software.* The QMOC function determines whether a new PDP context is to be started and how the mapping is performed (see col. 11, lines 55-57). Only then is a data transfer filter defined so that packets can be filtered and packets sent down a particular PDP context. Of note is that the IP headers are applied after the SAPI interface.

Thus, Applicants respectfully disagree that Suumaki discloses the feature of "means for activating, *in response to* the means for *detecting the requested application--specific packets*, a plurality of packet sessions with application-specific QoS parameters, *without requiring explicit cooperation of application software*", as recited in claim 1.

Claim 19 is a method claim corresponding to the apparatus of Claim 1. Consequently, the arguments set forth above in support of Claim 1 apply equally to Claim 19. In accordance with the aforementioned explanations, it is therefore respectfully submitted that the teachings of Suumaki in combination with Jungck fail to teach: "activating, *in response to* the means for *detecting the requested application--specific packets*, a plurality of packet sessions with application-specific QoS parameters, *without requiring explicit cooperation of application software*", as recited in claim 19.

Claim 40 is a computer program element claim corresponding to the apparatus of Claim 1 and method of Claim 19. Consequently, the arguments set forth above in support of Claim 1 apply equally to Claim 40. In accordance with the aforementioned explanations, it is therefore respectfully submitted that the teachings of Suumaki in combination with Jungck fail to teach: "activate, *in response to* the means for *detecting the requested application-specific packets*, a plurality of packet sessions with

application-specific QoS parameters, *without requiring explicit cooperation of application software*", as recited in claim 40.

Additionally, Applicants note that under a rejection under 35 U.S.C.5 103, the prior art references must be considered in their entirety, including disclosures that teach away from the recited features (MPEP 5 2141.02).

Applicants submit that Suumaki in fact teaches away from the features of Claims 1, 19, and 40, as presently recited. Suumaki discloses a session-based communication protocol using multiple PDP-contexts where different characteristics are selected based on QoS characteristics, notably *supplied by the application*. This is the classic integrated mobile device approach. Thus, Suumaki clearly discloses that an *application software (SAPI)* is required to indicate that *an application is started and the QMOC has predefined service information*. Accordingly, a second wireless packet transfer of application-specific data packets for that service/application (such as Voice over IP) is activated *only with explicit cooperation of application software.* Only then may a data transfer filter be defined so that packets can be filtered and packets sent down a particular PDP context, as described in col. 11, line 26 to col. 12, line 55.

Therefore, Summaki discloses a direct opposite teaching to "*activating*, in response to the means for detecting the requested application-specific packets, a plurality of packet sessions with application-specific QoS parameters, *without requiring explicit cooperation of application softwar"* as recited in Claims 1, 19 and 40.

Accordingly, one of ordinary skill in the art would not make such a combination of the teachings of Suumaki and Jungck, in that such a combination would change the basic principle of the operation of Suumaki. See MPEP 2143.01 Subsection entitled 'THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE'.

Additionally, Applicants note that under a rejection under 35 U.S.C.5 103, the prior art references must not render the prior art unsatisfactory for the intended purpose of the claimed invention (MPEP § 2143.01).

Suumaki discloses a session-based communication protocol using multiple PDP-contexts where different characteristics are selected based on QoS characteristics, notably *supplied by the application*. Thus, Suumaki clearly discloses that an *application software (SAPI)* is required to indicate that *an application is started and the QMOC has predefined service information*. That is a second wireless packet transfer of application-specific data packets for that service/application (such as Voice over IP) is activated *only with explicit cooperation of application software.* Only then may a data transfer filter be defined so that packets can be filtered and packets sent down a particular PDP context, as described in col. 11, line 26 to col. 12, line 55.

Therefore, any suggestion in the Office Action to modify Summaki in accordance with the feature of *"activating*, in response to the means for detecting the requested application-specific packets, a plurality of packet sessions with application-specific QoS parameters, *without requiring explicit cooperation of application software"* as recited in Claims 1, 19 and 40, would render Summaki unsatisfactory for its intended purpose.

Accordingly, one of skill in the art would not make such a combination in that such a combination would render Suumaki respectively unsatisfactory for their intended purpose. See MPEP Section 2143.01, Subsection entitled THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE citing *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984).

Furthermore, it is respectively observed that Suumaki does not suggest modification thereof with the teachings of Jungck. Similarly, Jungck does not suggest modification thereof with the teachings of Suumaki. Indeed, it is submitted that the

skilled person, reading Suumaki or Jungck, is not provided with a reasonable expectation of success when making the combination suggested in the Office Action due to the lack of any such indication of suitability or desirability to make a modification. Suumaki (see at least the abstract, col. 1, lines 5-28; and col. 5, lines 34-61) clearly teaches a mechanism to optimize data transmission in a packet switched data network to change end-to-end properties of an application connection, such as a quality of service. Jungck clearly relates to the introduction of a network element that is able to intercept and process packets according to rules, such that the data packet can be modified, deleted, analysed or forwarded to an external device (see abstract and paragraphs [0002]-[0006]). There is no teaching in either Suumaki or Jungck suggesting how or why a system that proposes a change of end-to-end properties of an application connection (as disclosed in Suumaki) may or should be modified to include a packet analyzer concept, where the content of data packets are intercepted and interrogated (as disclosed in Jungck). Furthermore there is no teaching in either Suumaki or Jungck suggesting how or why a network that uses a packet analyzer concept, where the content of data packets are intercepted and interrogated (as disclosed in Jungck), may or should include a mechanism that proposes a change of end-to-end properties of an application connection (as disclosed in Suumaki).

Thus, any theoretical combination of the teachings of Suumaki with Jungck will therefore require considerable modification to the architecture of both Suumaki as well as Jungck. Indeed, the Office Action does not explain how such a combination can be achieved.

Hence, there is no teaching in the cited prior art suggesting the modification and the present application only teaches the modified apparatus. See THE TEACHING OR SUGGESTION TO MAKE THE CLAIMED COMBINATION AND THE

REASONABLE EXPECTATION OF SUCCESS MUST BOTH BE FOUND IN THE PRIOR ART, NOT IN APPLICANT'S DISCLOSURE. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 11 and 29 are rejected under 35 USC § 103(a) as being unpatentable over Suumaki et al (US 6,847,610 B1), hereafter 'Suumaki', in view of Jungck et al (US 2006/0029104 A1), hereafter 'Jungck', further in view of Dorenbosch et al (US 2003/0235184 A1), hereafter 'Dorenbosch.'

For at least the reason that Claims 11 and 29 each depend from an allowable independent Claim, Claims 11 and 29 are also allowable. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration. Applicants respectfully request reconsideration and allowance of Claims 11 and 29.

Claims 12, 17, 30 and 35 are rejected under 35 USC § 103(a) as being unpatentable over Suumaki et al (US 6,847,610 B1), hereafter 'Suumaki,' in view of Jungck et al (US 2006/0029104 A1), hereafter 'Jungck,' further in view of Fenton et al (US 2003/0193967 A1), herafter 'Fenton.'

For at least the reason that Claims 12, 17, 30 and 35 each depend from an allowable independent Claim, Claims 12, 17, 30 and 35 are also allowable. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake

of brevity and expedited consideration. Applicants respectfully request reconsideration and allowance of Claims 12, 17, 30 and 35.

Claims 2-10, 13-16, 18, 20-28, 31-34, 36-39 and 43-74 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Suumaki (at least in view of Jungck).

For at least the reason that Claims 2-10, 13-16, 18, 20-28, 31-34, 36-39 and 43-74 each depend from an allowable independent Claim, Claims 2-10, 13-16, 18, 20-28, 31-34, 36-39 and 43-74 are also allowable. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration. Applicants respectfully request reconsideration and allowance of Claims 2-10, 13-16, 18, 20-28, 31-34, 36-39 and 43-74.

In summary, none of the references discloses or suggests a solution to the scenario where an apparatus for session control in a wireless communication network where the apparatus detects requested application-specific packets in a packet stream and bases decisions to map packets to different PDP contexts without requiring explicit cooperation of application software, e.g. a use of, say, a SAPI interface, as required by the claims. For at least this reason, the alleged prior art references, alone or combined, do not teach or suggest all the claim limitations for Claims 1-74.

Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1-74.

The case is believed to be in condition for allowance and notice to such effect is respectfully requested. If the Examiner should have any other points of concern, the

Examiner is expressly invited to contact the undersigned by telephone to discuss those concerns and to seek an amicable resolution.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Dated: December 9, 2009
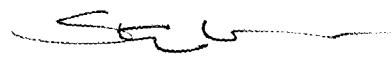
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